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PTO/SB/21 (07-06)

Approved for use through 09/30/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission 11

Application Number	10/820,240
Filing Date	April 6, 2004
First Named Inventor	Greenberg, et al.
Art Unit	3766
Examiner Name	J.L. Reidel
Attorney Docket Number	S293-USA

ENCLOSURES (Check all that apply)

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form
<input type="checkbox"/> Fee Attached
<input type="checkbox"/> Amendment/Reply
<input type="checkbox"/> After Final
<input type="checkbox"/> Affidavits/declaration(s)
<input type="checkbox"/> Extension of Time Request
<input type="checkbox"/> Express Abandonment Request
<input type="checkbox"/> Information Disclosure Statement

<input type="checkbox"/> Certified Copy of Priority Document(s)
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)
<input type="checkbox"/> Licensing-related Papers

<input type="checkbox"/> Petition
<input type="checkbox"/> Petition to Convert to a Provisional Application
<input type="checkbox"/> Power of Attorney, Revocation
<input type="checkbox"/> Change of Correspondence Address

<input type="checkbox"/> Terminal Disclaimer

<input type="checkbox"/> Request for Refund

<input type="checkbox"/> CD, Number of CD(s) _____
<input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC

<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences

<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)

<input type="checkbox"/> Proprietary Information

<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
1. Request for Correction of Inventorship
2. Correction of Inventorship (2)
3. Declaration w/2 Supplemental Pages
4. Copy of Fee Transmittal |
|---|--|--|

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	SECOND SIGHT MEDICAL PRODUCTS, INC.		
Signature			
Printed name	Scott B. Dunbar		
Date	October 10, 2006	Reg. No.	37,124

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Deanna Fintz	Date	October 10, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Effective on 12/08/2004.

as pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL

For FY 2005

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 130

Complete if Known

Application Number 10/820,240
Filing Date April 6, 2004
First Named Inventor Greenberg, et al.
Examiner Name J.L. Reidel
Art Unit 3766
Attorney Docket No. S293-USA

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify):

☒ Deposit Account Deposit Account Number: 50-0922 Deposit Account Name:

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180
Total Claims	Extra Claims	Fee (\$)
- 20 or HP = x =		
HP = highest number of total claims paid for, if greater than 20.		
Indep. Claims	Extra Claims	Fee (\$)
- 3 or HP = x =		
HP = highest number of independent claims paid for, if greater than 3.		

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets - 100 = Extra Sheets / 50 = Number of each additional 50 or fraction thereof Fee (\$)

Fee Paid (\$)

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Correction of Inventorship Processing Fee 37 CFR 1.17(i)

130

SUBMITTED BY

Signature [Signature] Registration No. 37,124 Telephone (818) 833-5055
Name (Print/Type) Scott B. Dunbar Date October 10, 2006

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Greenberg, et al.	Art Unit:	3766
Application No.:	10/820,240	Examiner:	J.L. Reidel
Filed:	April 6, 2004	Confirmation No.:	7467
Docket No.:	S293-USA		
Customer No.:	28284		

For: Retinal Prosthesis With Side Mounted Inductive Coil

Certificate of Mailing

Commissioner for Patents
P. O. Box 1450
Alexandria VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:
Commissioner for Patents

P. O. Box 1450, Alexandria
VA 22313-1450

On October 10, 2006

Deanna L. Fintz

Request for Correction of Inventorship under 37 C.F.R. § 1.48(a)

Dear Sir:

In view of the papers filed with the United States Patent and Trademark Office on April 19, 2006, it has been found that this non-provisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 C.F.R. § 1.48(a). The inventorship of this application has been changed by adding Brian V. Mech, Ph.D. as a joint inventor to the inventors Robert J. Greenberg, M.D., Ph.D., James S. Little, Da Yu Chang, and Kevin Wilkin.

Attached to this request are:

- A statement from Brian V. Mech, Ph.D. being added as an inventor that the error in inventorship occurred without deceptive intention on his part;
- An oath or declaration by the actual inventors as required by 37 C.F.R. § 1.63;
- Processing fee set forth in 37 C.F.R. § 1.17(i); and

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d) A written consent of the assignee Second Sight Medical Products, Inc.

An assignment has been executed by the named inventors to Second Sight Medical Products, Inc.

It is respectfully requested that the application be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of Office records to reflect the inventorship as corrected.

Respectfully submitted,

October 10, 2006

Date

By: 

Scott B. Dunbar
Reg. No. 37,124
Second Sight Medical Products, Inc.
12744 San Fernando Road
Building 3
Sylmar CA 91342
Phone (818) 833-5055
Fax (818) 833-5080

Enclosures:

Statement

Oath or Declaration

Fee Transmittal

Consent of the Assignee



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

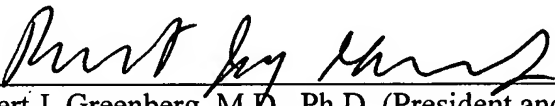
Applicants:	Greenberg, et al.	Art Unit:	3766
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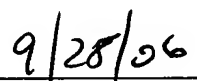
Correction of Inventorship Under 37 C.F.R. § 1.48(a)

Written Consent of the Assignee Second Sight Medical Products, Inc.

Second Sight Medical Products, Inc. gives hereby the consent to add Brian V. Mech, Ph.D. as an inventor and thereby to correct the inventorship under 37 C.F.R. § 1.48(a) in the above-identified application.

SECOND SIGHT MEDICAL PRODUCTS, INC.


Robert J. Greenberg, M.D., Ph.D. (President and CEO)


Date

Second Sight Medical Products, Inc.
12744 San Fernando Road
Building 3
Sylmar, California 91342



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Greenberg, et al.	Art Unit:	3766
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Correction of Inventorship Under 37 C.F.R. § 1.48(a)

Statement of Lack of Deceptive Intention from a person being added as an Inventor

I, Brian V. Mech, Ph.D. hereby state that the inventorship error in the above-identified patent application occurred without deceptive intention on my part.



Brian V. Mech, Ph.D.

9/28/06

Date